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CALFED Bay-Delta Program
1416 Ninth Street, #1155
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SUBJECT: COMMENTS ON MARCH 1998 PROGRAMMATIC EIS/EIR

Dear CALFED Program Staff:

Summers Engineering, Inc. supports the intent of the CALFED Bay-Delta Program to restore and improve water management in the Bay Delta system. The attempt to responsibly develop a long-term comprehensive program to address water supply and Bay-Delta issues is commendable and one which is definitely needed for the future of the state.

The following specific comments are related to the "Water Use Efficiency Component" which attempts to focus on improvements in local water use management and efficiency in the urban, agricultural, and diverted environmental water use areas. The comments are numbered and the pages of concern from the "Water Use Efficiency Component" Technical Appendix referenced.

1. On page 1-3 is the statement, "...less than one-third of the state's agricultural lands are served by irrigation districts that are members of the corresponding Ag Water Management Council."

Comment: What is the basis for this statement? The Agricultural Water Management Council (AWMC) presently has signatory water suppliers representing approximately 3 million acres of irrigated agriculture. The CALFED tabulation of irrigated acreage by region in Chapter 4 totals 8.2 million acres. I question the accuracy of this number. If this number is correct, the agricultural acreage of the existing signatories is greater than the one-third listed. Please review the irrigated acreage described in Chapter 4. The irrigated acreage listed appears to include agricultural land that is not included in any given irrigation district. One reason for this belief is that in 1990 agricultural water suppliers delivering more than 50,000 acre feet of water on an annual basis were required to submit Informational Reports under the Agricultural Water Management Planning Act (AB1658). The attached Department of Water Resources summary of districts meeting this requirement totals 4.9 million acres. If the 8.2 million acres includes only irrigable acreage in water districts, then there would have to be approximately 3.3 million additional agricultural acres in smaller districts delivering less than 50,000-acre feet per year.

2. On page 2-3 is the statement, "Implementation Objectives were established by the Water Use Efficiency Work Group in order to guide the development of approaches for water use efficiency." These objectives included:
 - a. Ensure a strong water use efficiency component in the Bay-Delta decision
 - b. **Emphasize incentive based** actions over regulatory actions
 - c. Preserve local flexibility
 - d. Etc.

Comment: CALFED's proposed recommendations for irrigation efficiency do not emphasize incentive-based actions over regulatory actions and preserve local flexibility. The additional comments describe our concerns.

3. On page 2-6, under General Assurances, the CALFED Program states, "Certain minimum levels of analysis, implementation, and demonstration of efficient use should be met by every water supplier in California, regardless of the supplier's desire to receive CALFED benefits." The section goes on to say "Demonstration that

appropriate water management and planning is being carried out and that cost effective efficiency measures are being implemented will be necessary prerequisites for an agency to be eligible to..." benefit from CALFED.

Comment: CALFED is also considering for a water supplier to be eligible to receive new water, to participate in CALFED water transfers, or receive Drought Water Bank Water, that they would also have to implement the USBR pricing and measurement criteria. No comment is made that it would have to be cost effective. CALFED says they support the AWMC but they want to add this mandatory requirement. Where is CALFED's emphasis on **incentive-based actions that preserve local flexibility**? The implementation of pricing and measurement strategies is usually beneficial to a district water management program. But, what happens if it is not cost effective to implement the criteria. The AWMC MOU includes these two practices in List C, which requires that each practice be analyzed under the Net Benefit Analysis procedure. If the water supplier demonstrates that no other form of measurement or calculation will improve net water management benefits over current practice, then the current practice will suffice. The AWMC MOU preserves local flexibility.

4. On page 2-13, the CALFED approach that a water supplier shall demonstrate appropriate planning and implementation of water use efficiency as a prerequisite before receiving any new water made available by CALFED is an Incentive Based approach. Yet stating that "If an acceptable majority of agricultural water suppliers have not prepared, adopted, received Council endorsement, and begun implementation of the plans by January 1999, then legislative and regulatory mechanisms will be triggered. An acceptable majority includes irrigation districts that serve water to at least two-thirds of the total acreage served by districts in the CALFED solution area, including the Imperial Valley."

Comment: This proposal is unacceptable. Districts that have become signatories and joined the AWMC did this voluntarily. The AWMC officially became an entity under the MOU in July 1997. Under the MOU the signatories will have 2 years to prepare and develop their Water Management Plans (WMPs). Some districts may submit their WMPs before July 1999, but they are not required to do so. Once they have been prepared they are to be submitted for approval to the AWMC. The USBR took more than a year to review the Water Conservation Plans initially submitted to them under the CVPIA before getting back to water suppliers with comments and requests for changes

or additions. Surely the AWMC will be able to review and respond to requests for approval of WMPs within a shorter time frame, but realistically it could take at least 6 months after July 1999 before any WMPs are ready to be endorsed by the AWMC. The CALFED time schedule to have endorsed WMPs by January 1999 changes the time frame included in the MOU. This is unacceptable. Also, the irrigated acreage numbers need to be reviewed as mentioned in No. 1 above.

5. The Incremental Agricultural Water Savings Estimates listed in Table 1.2 (page 1-7) are estimated at 125,000 - 195,000 acre feet while the Incremental Urban Water Savings Estimates are estimated at 705,000 - 790,000 acre feet.

Comment: Agriculture's estimated water savings are $\frac{1}{4}$ the estimated urban water savings but CALFED has suggested a future legislative threat mandating regulatory actions if the desired number of water suppliers don't become signatories to the AWMC. This definitely does not portray an incentive-based approach that preserves local flexibility. Why try to threaten the agricultural community and not the urban community, especially when there is a greater amount of incremental savings estimated from the urban side versus the agricultural community?

6. On page 2-17, CALFED recommends the Urban Council adopt a process for the endorsement or certification of water supplier compliance with their MOU.

Comment: The Urban Council has been in existence since 1990 and they still don't have this accomplished yet? The AWMC already includes this in their MOU. Why doesn't CALFED threaten the Urban Council with legislative action to accomplish this?

7. On page 2-19, regarding CALFED's discussion of water diversions for environmental water use on wetlands and refuges, the statement is made that the California Department of Fish and Game, the United States Bureau of Reclamation, and the U.S. Fish and Wildlife Service, "... are working with the Grassland Resource Conservation District to develop an Interagency Coordinated Program for optimum water use planning for wetlands of the Central Valley. This program may include (emphasis mine) "Best Management Practices" for efficient water use or development of a water use management planning process for refuge and wetland areas of the Valley."

SUMMERS ENGINEERING, INC.

CONSULTING ENGINEERS
CALFED Bay-Delta Program

April 28, 1998

Page 5 of 5

Comment: Why doesn't the CALFED Plan require that diverted environmental water use meet the same water management requirements and review as agricultural water use? During hearings on the AWMC MOU many non-signatory water suppliers indicated they would be willing to sign an MOU on agricultural water management when there were equivalent requirements on environmental water use for wetlands and refuges. CALFED has indicated they support environmental water management and review, but a weak statement has been outlined in this section regarding what should be done. CALFED should provide a stronger statement to the effect that these agencies should develop an environmental water use program comparable to the AWMC MOU by January 1999 if they are to receive any benefit from CALFED.

Please let me know if you have any questions.

Very truly yours,



Roger L. Reynolds

RLR/p